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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,225	07/14/2005	Kenji Kono	81887.0128	3354
26/021 7590 05/06/2011 Hogan Lovells US LLP 1999 AVENUE OF THE STARS SUITE 1400 LOS ANGELES, CA 90067				
EXAMINER HO, HUY C				
ART UNIT 2617		PAPER NUMBER		
NOTIFICATION DATE 05/06/2011		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/542,225

Applicant(s)

KONO, KENJI

Examiner

HUY C. HO

Art Unit

2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 April 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-4, 6-10, 12, 14, 15 and 17-20.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Patrick N. Edouard/
Supervisory Patent Examiner, Art Unit 2617

/Huy C Ho/
Examiner, Art Unit 2617

Continuation of 11. does NOT place the application in condition for allowance because: The argued features on pages 5-7 of the Remarks filed 04/20/2011, that "Applicant disagrees as changing a criterion of handoff determination is not the execution of the rule (step 103), but the change of the rule itself (step 104). For example, step 104 of FIG. 2 teaches the changing of the threshold value for determining whether or not idle handoff is performed (paragraphs 0060-0061, 0064-0065). Consequently, the determination of a handoff corresponds to a decision step and not an action step. Thus, even if step 32 of Cuffaro is analogous to applicant's step 103 and paragraphs 0055-0059, applicant's explicitly claimed feature of changing the criterion of the determination of the handoff is not disclosed."

The examiner respectfully disagrees because first of all, the argued features are claimed and recited in independent claim 1 as follow.

1. (Previously presented) A wireless communication terminal comprising:
 a measurement section that measures quality of a signal transmitted from a base station;
 a determination section that determines whether or not handoff is to be performed based on a measurement result of the measurement section and a criterion of the determination of the handoff; and
 a handoff section that performs the handoff based on a determination result of the determination section,
 wherein the determination section determines whether the handoff section has performed a predetermined repetition pattern of handoffs, and changes the criterion of the determination of the handoff if it is determined that the handoff section has performed the predetermined repetition pattern of handoffs.

As for the claim interpretation of claim 1 above, the claim comprising a determination section that determines whether or not handoff is to be performed based on a measurement result of the measurement section and a criterion of the determination of the handoff, wherein the determination section determines whether the handoff section has performed a predetermined repetition pattern of handoffs, and changes the criterion of the determination of the handoff if it is determined that the handoff section has performed the predetermined repetition pattern of handoffs. Other words, the determination section determines whether or not handoff should be performed based on quality of measured signals, i.e., the pilot signals, and based on a criterion. If the handoff has been performed repeatedly in a predetermined pattern, then the determination section changes the criterion therefore resulting in preventing or minimizing the unnecessary repeated or frequent handoffs.

Secondly, the examiner makes a notice of the applicant's argument point that "changing a criterion of handoff determination is not the execution of the rule (step 103), but the change of the rule itself (step 104)." For this point of the argument about the "changing criterion", paragraph [61] in the Specification best describes for the claimed features of claim 1:

[0061] When the two pilot signals are alternately switched at least twice through the idle handoff by means of the processing pertaining to steps 101 to 103 and when the C/I values of the radio waves of the two pilot signals are sufficiently greater than α , the threshold value of the idle handoff is changed to a value at which the idle handoff does not arise frequently (step 104).

So, in light of the description of paragraph [61], the changing criterion is essentially the change of the threshold value after comparing both pilot signals are greater than the predetermined value α , therefore, the change of the threshold value to a new value that could prevent the handoff arises frequently. Or other words, for the sake of the claim interpretation and in light of the disclosure from the specification of paragraph [61], changing criterion is essentially changing of a threshold value that results in helping and preventing frequent handoffs.

For the explanations and understandings for the claimed features and the argued features, reference Cuffaro teaches and suggests "determines whether the handoff section has performed a predetermined repetition pattern of handoffs, and changes the criterion of the determination of the handoff if it is determined that the handoff section has performed the predetermined repetition pattern of handoffs", in column 2 lines 35-65, column 3 lines 58-67, col 4 lines 1-46, col 6 lines 40-67, which teach determination of a mobile station MS experiencing of oscillating handoff based on measured signals. If the measured signals are below a threshold value, a regular handoff is performed. If the measured signals are above the threshold value, other factors are taken into considerations such as time period values, i.e., inter handoff time and oscillation time, which indicate how quickly the handoff being oscillating between time, and after all the determinations and decisions have been made based on these factors, i.e., signals strengths and the oscillations times, and as a result, prevention of the oscillating handoff is addressed and performed.

As such, the argued features were written such that they read upon the cited reference.